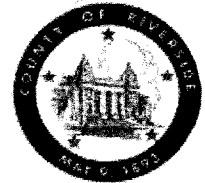


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

503A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
September 23, 2010

SUBJECT: Assignment and Assumption Agreement between the County of Riverside (County) and County Flood Control and Water Conservation District (District) and City of Wildomar (City) and Rancho Vista II Ventures, LLC (Assignor) and D.R. Horton Los Angeles Holding Company, Inc. (Assignee) for the Murrieta Valley - Greyhawk Road Storm Drain, and Murrieta Valley - Seattle Ridge Road Storm Drain.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Assignment and Assumption Agreement between the District, the County, the City, the Assignor and the Assignee, and;

Patricia Romo
Patricia Romo

Patricia Romo

Deputy Director of Transportation

Juan C. Perez
Juan C. Perez

Director of Transportation

FK:rg

(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

SOURCE OF FUNDS: The Developer is funding all construction and construction inspection costs. Future operation and maintenance costs will accrue to the City.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: November 2, 2010
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref. 12/6/05, 3.29 | **District:** 1st | **Agenda Number:**

3.47

FORM APPROVED COUNTY COUNSEL
DATE 9-28-10
BY: *Shirley K. Keener*
MARSHAL L. VICTOR

Departmental Concurrence

Dept't Recomm.: Consent Policy Policy
Per Exec. Ofc.: Consent Policy

The Honorable Board of Supervisors

RE: Assignment and Assumption Agreement between the County of Riverside (County) and County Flood Control and Water Conservation District (District) and City of Wildomar (City) and Rancho Vista II Ventures, LLC (Assignor) and D.R. Horton Los Angeles Holding Company, Inc. (Assignee) for the Murrieta Valley - Greyhawk Road Storm Drain, and Murrieta Valley - Seattle Ridge Road Storm Drain.

September 23, 2010

Page 2 of 2

2. Authorize the Chairman to execute the Agreement documents on behalf of the County.

BACKGROUND: The Agreement transfers the rights and responsibilities as established by the original cooperative agreement executed on December 6, 2005 from the Assignor to the Assignee. Once executed, the Assignee will complete the construction of the drainage facilities necessary for Tract 31353.

The Agreement is necessary to provide for District construction inspection of the referenced facilities associated with Tract No. 31353. The Agreement is also necessary to formalize the release of County from their obligations established in a prior Agreement dated December 6, 2005 between District, County and Assignor concerning Tract No. 31353.

Upon completion of the facilities' construction, the District will assume ownership, operation and maintenance of the mainline storm drains. The City will assume ownership, operation and maintenance of the associated catch basins, laterals and connector pipes located within its rights-of-way.

The Developer is funding all construction and construction inspection costs. Future operation and maintenance costs will accrue to the City.

County Counsel has approved the Agreement as to legal form. A companion item appears on the Flood Control District's agenda this same date.

CLERK OF THE BOARD

KECIA HARPER-IHEM

Memorandum



From: Karen Barton, Board Assistant

Date: January 6, 2011

Re: Item 3.47 of November 2, 2010

Per the transportation department the following item does not have an agreement attached because it was considered null and void after the contractor cancelled on their end. Therefore the Flood Control District never brought their companion item forward and I have included an email to verify this information.

Barton, Karen

From: Washington, Sandra [SANWASHI@rctlma.org]
Sent: Thursday, January 06, 2011 9:51 AM
To: Barton, Karen
Subject: FW: Greyhawk Road Storm Drain & Seattle Ridge Road Storm Drain, Item 3.47 of 11/2/10

Please see below.

Thanks,
Sandie Washington
5-6744

From: Consaul, Ken [mailto:KEConsaul@rcflood.org]
Sent: Wednesday, December 22, 2010 9:10 AM
To: Washington, Sandra
Subject: RE: Greyhawk Road Storm Drain & Seattle Ridge Road Storm Drain

I thought Horton would have notified you. Horton contacted us and asked the agreement be cancelled. They were working with US Bank who was keeping the project afloat. The bank withdrew their support and is apparently commencing foreclosure. I mistakenly assumed Horton would have notified TLMA.

I've been out for a couple days or I would have responded earlier.

-----Original Message-----

From: Washington, Sandra
Sent: Monday, December 20, 2010 2:47 PM
To: Tung, Teresa
Cc: Consaul, Ken
Subject: Greyhawk Road Storm Drain & Seattle Ridge Road Storm Drain

Dear Teresa/Ken,

I have never received the fully executed agreement from your department on the above item. The Project Nos. are 7-0-00232 & 7-0-00233. Our companion item went to the Board on 11/2/10 (Item 3.47), but I do not show a Flood item on that date. Please advise.

Thanks,

Sandie Washington

5-6744